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July 11, 2005

Office of General Counsel  
999 East Street, N.W.  
Washington, DC 20463

Re: FEC Complaint No. MUR 5667

Subject: Response to FEC Complaint filed by Mark Rendina.

Counsel:

I write in response to an FEC Complaint filed by Mark Rendina, assigned case number MUR 5667. This communication is intended to be confidential for purposes of assisting General Counsel and the FEC with their investigation.

Mark Rendina is what is commonly known as a "cybersquatter" – a person who, on his own and through businesses owned by him, registers internet domain names with the intent to profit through the use or sale of the domains. This practice violates the Anticybersquatting Consumer Protection Act, 15 U.S.C. sec. 1125 and is illegal.

In 2000, Rendina registered the domain names of hundreds of famous or potentially famous politicians, athletes, movie stars and others of notoriety or fame, including several names affiliated with Patrick Buchanan and the 2000 Buchanan-Foster Presidential Campaign. He continues this unlawful activity to this day.

In October 2000, the United States District Court for the Middle District of North Carolina ordered Rendina to release domain names to the Buchanan-Foster Presidential Campaign. In so doing, the Court found Rendina violated federal law and maliciously attempted to coerce the Campaign and others to purchase domains from him.

Since the Court's order in 2000, Rendina has engaged in a crusade to harass me and other attorneys who assisted with the federal lawsuit which resulted in the judicial determination against Rendina. Rendina has lodged complaints with the California and North Carolina State Bars, which were found without merit, and filed a lawsuit against me in state court in North Carolina, for which Rendina was sanctioned \$6,000.00 after his frivolous lawsuit was dismissed.

Presently, he has a lawsuit pending in federal court against me, members of the

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Buchanan-Foster Presidential Campaign and others, predicated on efforts to secure domain names lawfully belonging to the Campaign which Rendina registered for purposes of personal profit. Motions to dismiss and for sanctions have been filed and are pending.

In reviewing Mr. Rendina's FEC complaint and the evidence provided, I urge General Counsel to proceed with the utmost caution, for Rendina has a penchant of misstating the facts and the law and offering documents which do not support his claims and are often misquoted or otherwise distorted for Rendina's own nefarious purposes.

Because Rendina has an axe to grind and refuses to view the facts in an objective manner, he has grossly misconstrued my motivation in pursuing the return of domain names and threatening or taking legal action against him or others concerning domains. Far from being politically or professionally motivated, my actions were predicated on my romantic inclinations towards a Buchanan-Foster staff member.

Between [redacted] I was involved in a romantic relationship with [redacted] who served as a Buchanan-Foster 2000 staff member from [redacted]. I attempted to secure Buchanan-Foster Campaign domains, and ultimately agreed to legally represent the Campaign in that regard, solely because of my personal interest in and relationship with [redacted]. I did not support her political views or those of the Campaign, did not vote for Pat Buchanan, and made no monetary contributions to his candidacy in 1996 or 2000. In sum, my actions were amorous, not political.

Mr. Rendina's main contention is that domain names have monetary value which must be reported to the FEC. Pursuant to 15 U.S.C. sec. 1125 and other federal law, internet domains containing the personal names of people, or a combination of people, are rightfully the property of those people. Therefore, in securing the return of domains I did not confer a monetary benefit on anyone. I simply secured the return of property to which the individuals and entities were legally entitled. Accordingly, no monetary or in-kind reporting was or is required concerning internet domains.

Secondarily, Rendina alleges I provided valuable legal services to the Buchanan-Foster Campaign which should have been but were not reported to the FEC. Rendina is again incorrect.

With respect to all actions taken by me *prior* to being retained by the Buchanan-Foster Campaign, I acted as a concerned citizen and not on behalf or at the direction of the Campaign.

Exhibits A through H to Rendina's FEC complaint consistently state that I was acting as a citizen, California resident, and/or Reform Party member, and not on behalf of the Campaign.

Rendina has selectively provided documents related to the Buchanan-Foster domains. In other written documents and verbally, I demanded the return not only of

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Buchanan-Foster domains but also of domains related to the 2000 campaigns of Ralph Nader, Al Gore and George W. Bush. I provided to all campaigns the same general "services" and "work-product" which Rendina attributes to the Buchanan-Foster campaign.

For example, I advised the 2000 Bush-Cheney Campaign that Rendina had registered several domains which were legally the property of then-candidates and now-President Bush and Vice President Cheney, and I offered to attempt to secure the return of those domains. Similar overtures were made to Al Gore's campaign concerning domains lawfully belonging to him.

Because the threats of litigation and actual commencement of same were not undertaken on behalf of the Buchanan-Foster Campaign and were equally pursued as to all political and famous domains unlawfully registered by Rendina and others, no "in-kind" service or work product was provided to the Buchanan-Foster Campaign. Therefore, no "in-kind" reporting was required.

Once retained by the Buchanan-Foster Campaign on or about October 2000, I proceeded pursuant to a standard fee agreement calling for payment of attorney fees and costs to be secured from Rendina and his companies, as allowed by 15 U.S.C. sec. 1125 – which permits the recovery of attorney fees, costs and damages. At no time did I provide services to the Buchanan-Foster Campaign or advance legal costs or expenses for which recompense was not expected. I therefore provided no monetary or in-kind benefit to the Campaign for which FEC reporting was required.

I apologize if I have failed to fully respond to Rendina's claims or to provide all of the documents or information which the FEC or General Counsel may desire. For the last 5 years I have been involved in constant administrative proceedings and litigation instigated by Rendina and I simply cannot take the time to respond fully and completely to each new complaint he files.

If additional information is desired, please contact me.

Your attention to this matter is appreciated.

Sincerely,

  
Mark T. Clausen

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